

_____ COURT

_____ County, Arizona

STATE OF ARIZONA Plaintiff

[CASE/COMPLAINT NO.]

-vs-

**NOTICE OF
POST-CONVICTION
RELIEF**

Defendant (FIRST, MI, LAST)

NOTICE OF POST-CONVICTION RELIEF

Instructions: **When the notice is complete, file it with the clerk of the superior court of the county in which the conviction occurred.**

A person unable to pay costs of this proceeding and to obtain the services of a lawyer without substantial personal or family hardship should indicate this by requesting counsel in Question 8 of this notice and execute the affidavit of indigency on page 3. In the event an attorney is not appointed, a Request for Preparation of Post-Conviction Relief Record form must be filed by the defendant if some portion of the record is needed and has not previously been obtained.

No issue which has already been raised and decided on appeal or in a previous petition for post-conviction relief may be used as a basis for a successive petition for post-conviction relief.

1. Defendant's Name: _____
Defendant's prison number (if any): _____

2. Defendant's address: _____

3. (A) Defendant was convicted of the following crimes: _____

(B) Defendant was sentenced on _____, 20 ____, to a term of _____,
commencing on _____, 20 ____, following a:

☐ Trial by jury

☐ Trial to Judge without a Jury

☐ Plea of Guilty

☐ Plea of No Contest

☐ Probation Revocation Admission

☐ Probation Revocation Violation Hearing in the Superior Court in _____ County with judicial officer _____
presiding.

(C) The file number of the case was CR--_____.

4. Defendant has taken the following actions to secure relief from his convictions or sentences:

(A) Direct Appeal: ☐ Yes ☐ No

(B) Previous Rule 32 Proceedings: ☐ Yes ☐ No

5. Defendant was represented by the following lawyers at: (provide name of counsel and counsel's address, if known)

Trial or change of plea: _____

Sentencing hearing: _____

Appeal (if any): _____

Previous Rule 32 proceedings (if any): _____

6. Is the defendant raising a claim of ineffective assistance of counsel? ☐ Yes ☐ No

7. Defendant is presently represented by a lawyer? ☐ Yes ☐ No

If yes, provide name and address: _____

8. If you are not currently represented by a lawyer, do you want the court to appoint a lawyer for this proceeding?
☐ Yes ☐ No

9 Respond to this section only if this is an untimely notice or the defendant has filed a previous Rule 32 petition in this case.

(A) Is a claim pursuant to Rule 32.1(d), (e), (f), (g) or (h) being raised in this petition? ☐ Yes ☐ No

(B) If yes, state the specific exception:

☐ The defendant is being held in custody after the sentence imposed has expired.

☐ Newly discovered material facts exist which probably would have changed the verdict or sentence.

☐ The defendant's failure to file a timely notice of post-conviction relief or notice of appeal was without fault on the defendant's part.

☐ There has been a significant change in the law that would probably overturn the conviction or sentence.

☐ Facts exist which establish by clear and convincing evidence that the defendant is actually innocent.

(C) State the facts that support the claim and the reasons for not raising the claim in the previous petition or in a timely manner:

I am requesting post-conviction relief. I understand that I must include in my petition every ground for relief which is known and which has not been raised and decided previously. I also understand that failure to raise any known ground for relief in my petition will prohibit me from raising it at any future date.

Date

Defendant

AFFIDAVIT OF INDIGENCY

I have requested the appointment of a lawyer to represent me in post conviction proceedings. I swear under oath and penalty of perjury that I am indigent and because of my poverty I am financially unable to pay for the cost of a lawyer to represent me without incurring substantial hardship to myself or my family.

Date

Defendant

State of Arizona)
)ss.
County of)

Subscribed and sworn to or affirmed before me on:

Date

My Commission Expires _____

Notary Public

Form 24(b)

CREDIT(S)

Added Sept. 5, 2007, effective Jan. 1, 2008.

HISTORICAL NOTES

Former Forms 24(b) and 24(c) were abrogated effective January 1, 2008.

17 A. R. S. Rules Crim. Proc., Form 24(b), AZ ST RCRP Form 24(b)

Current with amendments received through 10/15/08

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